The Minutes

April 10, 2000

C033108 THE PEOPLE v. EDWARDS

(Not for Publication)

The judgment is modified to reflect the imposition of (1) a drug program fee of \$150 pursuant to Health and Safety Code section 11372.5, and (2) a criminal laboratory analysis fee of \$50 pursuant to Health and Safety Code section 11372.5. As modified, the judgment is affirmed. The trial court shall prepare a corrected abstract of judgment to reflect these amounts, and the associated penalty assessments, and shall forward a certified copy thereof to the Department of Corrections.

KOLKEY, J.

We concur: Blease, Acting P.J.

Morrison, J.

C030466

WORKERS INTERNATIONAL UNION (AFL-CIO) et al.

(Not for Publication)

The judgment is reversed. In so doing we note that a damages issue arises since plaintiff's only remaining claims are those for violation of FEHA. We have no occasion in this appeal to address the measure and availability of damages. Plaintiff also seeks to permanently enjoin defendants' unlawful practices. However, we note that an injunction cannot be granted where no unlawful act is threatened at the time of the hearing. (Engle v. City of Oroville (1965) 238 Cal. App. 2d 266, 269.) Since plaintiff is no longer a member of Local 177, there is no basis upon which to grant injunctive relief. Plaintiff is awarded her costs on appeal.

BLEASE, Acting P.J.

We concur: Nicholson, J.

Rave, J.

C031880 THE PEOPLE v. MEADOWS

(Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Sims, Acting P.J.

Raye, J.

April 10, 2000 continued

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C033105 THE PEOPLE v. GUTOWSKI

(Not for Publication)

The judgment is affirmed. The trial court is directed to prepare an amended minute order of June 15, 1999, and an amended abstract of judgment, reflecting the court imposed a consecutive unstayed term of one year (one-third the middle term) for count 2. The trial court is further directed to forward a certified of the amended abstract of judgment to the Department of Corrections.

SCOTLAND, P.J.

We concur: Davis, J.

Morrison, J.

C023075 CALIFORNIA ASSOCIATION, etc., et al. v. DEPARTMENT OF FISH

AND GAME et al.: MILLS et al.

C023184 MILLS v. DEPARTMENT OF FISH AND GAME et al.

(Certified for Partial for Publication)

The appeal in case number C023075 is dismissed. The judgment is case number C023184 is affirmed in part and reversed in part as explained above. In both cases, Mills shall pay the costs on appeal

RAYE, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C027280 TENET HEALTHSYSTEM HOSPITALS, Inc. v. BELSHE, as Director, etc. (Not for Publication)

The judgment is affirmed to the extent it finds the Department abused its discretion in calculating DSH payment adjustments without considering the financial summary data which was available before the applicable date determination dates and disclosed that JFK Hospital's Medi-Cal revenues were less that the amount reflected on he paid claims tapes. The judgment is reversed to the extent it mandates retroactive financial relief to JFK Hospital, which involves a recalculation of the DSH payment adjustments for prior years.

SCOTLAND, P.J.

We concur: Davis. J.

Callahan, J.

C031287 THE PEOPLE v. WHITE

(Not for Publication)

The judgment is affirmed.

Scotland, P.J.

We concur: Davis, J.

Hull, J.

April 10, 2000 continued

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C034838 WILLIAM D. v. BUTTE COUNTY; CHILDREN'S SERVICES DIVISION OF THE BUTTE COUNTY DEPARTMENT OF SOCIAL SERVICES (Not for Publication)

Let a peremptory writ of mandate issue, directing respondent juvenile court to vacate its order terminating reunification services and scheduling a section 366.26 hearing for May 17, 2000, and to enter a new order directing CSD to provide petitioner with an additional 88 days of reunification services.

SCOTLAND, P.J.

We concur: Blease, J.

Hull, J.

April 11, 2000

C029465 THE PEOPLE v. SHIELDS

C029588 (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.

Davis, J.

C030387 THE PEOPLE v. BLACKWELL (Not for Publication)

The judgment is affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.

Raye, J.

C031538 THE PEOPLE v. WATSON (Not for Publication)

The sentence is vacated and the matter is remanded to the trial court for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.

Raye, J.

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April 11, 2000 continued

C033393 In re RICHARD A. et al.; SUTTER COUNTY DEPARTMENT OF HUMAN SERVICES v. ANNETTE A. (Not for Publication)

The juvenile court's finding that the allegations of the petitions under section 300, subdivision (b), are true is stricken. The order denying services pursuant to section 361.5, subdivision (b)(2), as to Richard is reversed and the matter is remanded for further dispositional hearing to determine what services would be appropriate. In all other respects, the findings and orders of the court are affirmed.

DAVIS, J.

We concur: Sims, Acting P.J.

Morrison, J.

April 12, 2000

C032213 THE PEOPLE v. THAO

Appellant's petition for rehearing is denied. BLEASE, Acting P.J.

C031778 THE PEOPLE v. RODRIGUEZ

(Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Nicholson, Acting P.J.

Callahan, J.

C033512 In re JESSICA T.; THE PEOPLE v. JESSICA T.

(Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Davis, J.

April 13, 2000

C032812 THE PEOPLE v. GARDINER

Appellant's petition for rehearing is denied. SIMS, Acting P.J.

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April 13, 2000 continued

C028033 THE PEOPLE v. SPENCE (Certified for Publication)

It is ordered that the opinion filed herein on March 10, 2000, be modified as follows:

There is no change in judgement.

The petition for rehearing is denied.

DAVIS, J. Morrison, J.

C030134 CARMICHAEL, Inc., et al. v. COUNTY OF SACRAMENTO (Certified for Publication)

The judgment is reversed and the cause is remanded to the trial court to enter judgment conforming to this opinion and to consider plaintiffs' request for attorney fees The plaintiffs are awarded their costs on appeal.

NICHOLSON, J.

We concur: Scotland, P.J.

Sims, J.

C030713 THE PEOPLE v. WILLIAMS (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.

Raye, J.

C033776 In re PATRICK S.; DEPARTMENT OF HEALTH & HUMAN SERVICES v. KYM H.

(Not for Publication)

The orders of the juvenile court are affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Morrison, J.

April 14, 2000

C028001 THE PEOPLE v. GARCIA

Appellant's petition for rehearing is denied. SCOTLAND, P.J.

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April 14, 2000 continued

C032105 THE PEOPLE v. HANNUM (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.

Raye, J.

C033763 In re EMILIANO C. et al.; CHILDREN'S SERVICES DIVISION v.

ELIZABETH H.

The order of the juvenile court terminating appellant's parental rights is

affirmed.

RAYE, J.

We concur: Scotland, P.J.

Davis, J.